IN THE HIGH COURT OF JUDICATURE AT BOMBY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6737 OF 2006

Chandrashekhar S. Gaddi & Ors .....Petitioners.

V/s

The Secretary, Town and Planning
Department & Ors. .....Respondents.

Mr. I.M. Khairdi for Petitioners.

Mr. V.P. Malwankar, Assistant Government Pleader, for Respondent Nos. 1 to 5.

Mr. G.B. Shetye for Respondent No.6.

ALONGWITH
WRIT PETITION NO. 6912 OF 2006

Kashinath Sayabanna Divate & Anr. .....Petitioners.

V/s

The Secretary, Town and Planning
Department & Ors. ....Respondents.

Mr. I.M. Khairdi for Petitioners.

Mr. V.P. Malwankar, Assistant Government Pleader, for Respondent Nos.1 to 6 and 8.

ALONGWITH
WRIT PETITION NO. 6913 OF 2006

Satlingappa Sangappa Mhetre and Ors. .....Petitioners.

V/s

The Secretary, Town and Planning
Department & Ors. ....Respondents.

Mr. I.M. Khairdi for Petitioners.

Mr. V.P. Malwankar, Assistant Government Pleader for Respondent Nos.1 to 6 and 8.

ALONGWITH
WRIT PETITION NO. 6914 OF 2006

Ajij Chandsab Shaikh & Ors. .....Petitioners.

V/s

The Secretary, Town and Planning
Department & Ors. ....Respondents.

Mr. I.M. Khairdi for Petitioners.

Mr. V.P. Malwankar, Assistant Government Pleader, for Respondent Nos.1 to 6 and 8.

ALONGWITH
WRIT PETITION NO.7523 OF 2006

Ajij Chand Shaikh ....Petitioner

V/s

Nand Lal and Others. ....Respondents.

Mr. I.M. Khairdi for Petitioner.

Mr. V.P. Malwankar, Assistant Government Pleader, for Respondent Nos.1 to 6 and 8.

CORAM: **H.S. BEDI, C.J.,** &
V.M.KANADE, J.

DATE : **NOVEMBER 16, 2006**

P.C.

1. We have heard the learned Counsel for the parties.

2. It is pointed out by the learned Counsel for the parties that the words "the Commissioner as well as concerned Municipal Council" appearing in the first line of para 2 of the order dated 17th October, 2006 be substituted by the words "the Returning Officer". The first line of para 2 of the said order reads as under:-

> "The learned Counsel for the respondents on instructions from the Officer states that the Commissioner as well as concerned Municipal Council shall accept the nomination papers of the Petitioners without insisting on a Caste Certificate from the Petitioners, as they have already been made applications to secure such a Certificate."

3. We accordingly substitute the words "the Returning Officer" in place of the words "the Commissioner as well as

concerned Municipal Council" in the aforesaid sentence, which will now read as under:-

> "The learned Counsel for the respondents on instructions from the Officer states that the Returning Officer shall accept the nomination papers of the Petitioners without insisting on a Caste Certificate from the Petitioners, as they have already been made applications to secure such a Certificate."

4. The Order dated 17th October, 2006 stands modified accordingly to the above extent. The aforesaid order has been made in consequence of the Ordinance dated 27th October, 2006 issued by the Governor. In these circumstances, we are of the opinion that the notices of contempt of court issued by the Election Commissioner to some of the Officers of the State Government should be withdrawn.

5. We accordingly dismiss the Writ Petition No.7523 of 2006 for contempt as withdrawn. We further direct that all

proceedings emanating from the present litigation will be deemed to have come to an end.

CHIEF JUSTICE

V.M. KANADE, J.